

KING & SPALDING, LLP

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Atlanta, Georgia 30303-1763
Telephone: 404/572-4600
Facsimile: 404/572-5100
www.kslaw.com

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MAR 11 2005

FAX TRANSMITTAL SHEET March 11, 2005

TO: Examiner E. Kiss
GAU 2122
U.S. Serial No. 09/642,625

Company: U.S. Patent and Trademark Office

Fax #: 703-872-9306

City/State: Alexandria, VA 22313

Mail Stop ISSUE FEE

FROM: Steven P. Wigmore

5551

Our Ref. #:

05456.105041

NUMBER OF PAGES (including transmittal sheet): 30

CONFIDENTIALITY NOTICE

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If transmission problems occur or you are not the intended recipient, please call 404.572.2459 immediately.
Thank you.

Notes/Comments:

Documents Submitted Via Facsimile:

Applicant: Peter A.J. Van Der Made

Serial No.: 09/642,625

Filed: August 18, 2000

For: Computer Immune System and Method for Detecting Unwanted Code in a Computer System

Papers Submitted: Request for Initialed Copies of the PTO-1449 Forms [2-pgs.]; IDS's filed on (February 7, 2003 [4-pgs.]; April 3, 2002 [4-pgs.]; March 22, 2002 [4-pgs.]; July 26, 2001 [4-pgs.]; June 27, 2001 [3-pgs.]; and August 18, 2000 [2-pgs.]; post card receipts [6-pgs.]

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MAR 11 2005

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peter A. J. Van Der Made

Serial No. 09/642,625

Filed: August 18, 2000

For: Computer Immune System and Method
for Detecting Unwanted Code in a
Computer System

Art Unit: 2122

Confirmation No. 8243

Examiner: Kiss, E.

REQUEST FOR INITIALED COPIES OF THE PTO-1449 FORMS
FILED WITH THE INFORMATION DISCLOSURE STATEMENTS

Commissioner for Patents
Mail Stop Box Issue Fee
Alexandria, VA 22313-1450

March 11, 2005

Sir:

The Applicant respectfully requests the Examiner to consider and initial the attached PTO-1449 forms that were previously filed with six Information Disclosure Statements (IDS's) prior to the Notice of Allowance of February 28, 2005. The Applicant has not received copies of these PTO-1449 forms that bear the Examiner's initials.

For the Examiner's convenience, attached hereto are copies of the IDS's with the PTO-1449 forms that were not properly initialed by the Examiner. These documents were filed on the following dates: February 7, 2003, PTO-1449 (3-pgs.); April 3, 2002, PTO-1449 (1-pg); March 22, 2002, PTO-1449 (1-pg.); July 26, 2001, PTO-1449 (1-pg.); June 27, 2001, PTO-1449 (1-pg.); and August 18, 2000, PTO-1449 (1-pg.). The Applicant has also provided post card receipts for each submission that evidences the receipt of these documents in the U.S. Patent and Trademark Office.

I hereby certify that this correspondence is being facsimile transmitted to: Commissioner for Patents, Mail Stop Issue Fee, P. O. Box 1450, Alexandria, VA 22313-1450, GAU 2122, Attn: Examiner E. Kiss, Facsimile No. (703) 872-9306 on March 11, 2005.



Steven P. Wigmore, Reg. No. 40,447

Serial No. 09/642,625

Consideration and return of the initialed copies of the attached PTO-1449 forms are respectfully requested. The Examiner is requested to return the initialed copies of the attached PTO-1449 forms via facsimile to the undersigned. The undersigned facsimile number is 404-572-5145.

If any other issues remaining in this application may be resolved by a telephone conference, the Examiner is invited to contact the undersigned at the following number in the Atlanta Metropolitan Area: 404-572-2884.

Respectfully submitted,


Steven P. Wigmore
Reg. No. 40,447

King & Spalding LLP
191 Peachtree Street
Atlanta, Georgia 30303
404.572.4600
K&S Docket: 05456.105041

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The U.S.P.T.O. official mailroom stamp affixed hereto acknowledges receipt of the items listed below.

| | |
|-------------------|---|
| Applicant | Peter A.J. van der Made |
| Serial No. | 09/642,625 |
| Title | Computer Immune System and Method for Detecting Unwanted Code in a Computer System |
| Papers Submitted: | Information Disclosure Statement (1 pg.); PTO-1449 form (3 pgs.); copies of thirty-one (31) cited references; Return Postcard |
| Attorney | WSP/llo |
| Date Mailed | February <u>7</u> , 2003 <i>Nsp</i> |
| Docket | 05456.105041 |



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visit 2/19/03

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

In re Application of:

Peter A.J. van der Made

Serial No.: 09/642,625

Art Unit: 2122

Filed: August 18, 2000

For: Computer Immune System and Method
for Detecting Unwanted Code in a
Computer System

INFORMATION DISCLOSURE STATEMENT

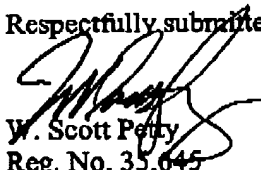
Commissioner of Patents
Washington, DC 20231

Sir:

The citation of information on the attached Form PTO-1449, "List of Art Cited by Applicant" is made pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98. A copy of each cited item is enclosed.

The citation of this information does not constitute an admission of priority or that any cited item is available as a reference, or a waiver of any right the applicant may have under applicable statutes, Rules of Practice in patent cases, or otherwise.

Respectfully submitted,


W. Scott Petty
Reg. No. 35,645

King & Spalding LLP
45th Floor, 191 Peachtree Street, N.E.
Atlanta, GA 30303
404.572.4600
K&S Docket: 05456.105041

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on February 7, 2003.


W. Scott Petty, Reg. No. 35,645

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Sheet 1 of 3

FORM PTO-1449, Adopted

LIST OF INFORMATION DISCLOSED BY APPLICANT

(Use several sheets if necessary)

| | | |
|---|---------------------------------|---------------------------------------|
| ATTY. DOCKET NO. 05456.105041 | SERIAL NO. 09/642,625 | FILING DATE August 18, 2000 |
| APPLICANT Peter A.J. van der Made | | GROUP 2122 |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|----|-----------------|----------|-------------------|-------|----------|-------------------------------|
| | AA | 5,590,331 | 12/31/96 | Lewis et al. | | | |
| | AB | 6,021,510 | 02/01/00 | Nachenberg | | | |
| | AC | 6,003,132 | 12/14/99 | Mann | | | |
| | AD | 5,999,723 | 12/07/99 | Nachenberg | | | |
| | AE | 5,964,889 | 10/12/99 | Nachenberg | | | |
| | AF | 5,765,030 | 06/09/98 | Nachenberg et al. | | | |
| | AG | 5,826,013 | 10/20/98 | Nachenberg | | | |
| | AH | 6,199,181 | 03/06/01 | Rechef et al. | | | |
| | AI | 5,121,345 | 06/09/92 | Lentz | | | |
| | AJ | 5,623,600 | 04/22/97 | Ji et al. | | | |
| | AK | 5,649,095 | 07/15/97 | Cozza | | | |

FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | NAME | TRANSLATION YES NO. |
|--|-----------------|----------|---------|---------------------|------------------------|
| | AL 0 636 977 A2 | 02/01/95 | Europe | David Alan Chambers | |
| | AM | | | | |
| | AN | | | | |
| | AO | | | | |

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

| | |
|----|---|
| AP | "Microsoft P-Code Technology," http://msdn.microsoft.com/archive/default.asp?url=/archive/cn-us/dnarcv/html/msdn_c7pcoc2.asp , pp. 1-6, April 1992. |
| AR | "DJGPP COFF Spec," http://dclorie.com/djgpp/doc/coff/ , pp. 1-15, October 1996 |
| AS | Navig, Kurt, "Sandbox Technology Inside AV Scanners," Virus Bulletin Conference, September 2001, pp. 475-488. |
| AT | "Norman introduces a new technique for eliminating new computer viruses," found on Norman's website, file:///C:/Documents%20and%20Settings/7489VLocal%20Settings/Temporary%20Internet%20Files/OLK , pp. 1-2, published October 25, 2001, printed from website December 27, 2002. |

EXAMINER DATE CONSIDERED

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Sheet 2 of 3

FORM PTO-1449, Adopted

LIST OF INFORMATION DISCLOSED BY APPLICANT*(Use several sheets if necessary)*

| | | |
|---|---------------------------------|---------------------------------------|
| ATTY. DOCKET NO. 05456.105041 | SERIAL NO. 09/642,625 | FILING DATE August 18, 2000 |
| APPLICANT Peter A.J. van der Made | | GROUP 2122 |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|----|-----------------|----------|-----------------|-------|----------|-------------------------------|
| | BA | 5,978,917 | 11/02/99 | Chi | | | |
| | BB | 5,983,348 | 11/09/99 | Ji | | | |
| | BC | 6,029,256 | 02/22/00 | Kouznetsov | | | |
| | BD | 6,081,894 | 06/27/00 | Mann | | | |
| | BE | 6,094,731 | 07/25/00 | Waldin et al. | | | |
| | BF | 6,108,799 | 08/22/00 | Boulay et al. | | | |
| | BG | 6,119,165 | 09/12/00 | Li et al. | | | |
| | BH | 6,122,738 | 09/19/00 | Millard | | | |
| | BI | 6,272,641 | 08/07/01 | Ji | | | |
| | BJ | 6,324,627 | 11/27/01 | Kricheff et al. | | | |
| | BK | 6,338,141 | 01/08/02 | Wells | | | |

FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | COUNTRY | NAME | TRANSLATION | |
|--|----|-----------------|------|---------|------|-------------|----|
| | | | | | | YES | NO |
| | BL | | | | | | |
| | BM | | | | | | |
| | BN | | | | | | |
| | BO | | | | | | |

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

| | | |
|----|--|--|
| BP | | Lee et al., "A Generic Virus Detection Agent on the Internet," System Sciences, 1997, Proceedings of the Thirtieth Hawaii International Conference on Wailea, HI, January 7-10, 1997, pp. 210-219, #XP010271868. |
| BR | | International Search Report for PCT/US01/19142, international filing date June 14, 2001, mailing date January 17, 2003. |
| BS | | |
| BT | | |

EXAMINER DATE CONSIDERED

CC

Sheet 3 of 3

FORM PTO-1449, Adopted

LIST OF INFORMATION DISCLOSED BY APPLICANT

(Use several sheets if necessary)

| | | | |
|--------------------------------------|--------------------------|--------------------------------|-------------|
| ATTY. DOCKET NO. 05456.105041 | SERIAL NO. 09/642,625 | FILING DATE August 18, 2000 | COPY |
| APPLICANT Peter A.J. van der Made | | GROUP 2122 | |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|----|-----------------|----------|---------------|-------|----------|-------------------------------|
| | CA | 6,397,242 | 05/28/02 | Devine et al. | | | |
| | CB | 4,975,950 | 12/04/90 | Lentz | | | |
| | CC | | | | | | |
| | CD | | | | | | |
| | CE | | | | | | |
| | CF | | | | | | |
| | CG | | | | | | |
| | CH | | | | | | |
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FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | COUNTRY | NAME | TRANSLATION | |
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| | | | | | | YES | NO |
| | CL | | | | | | |
| | CM | | | | | | |
| | CN | | | | | | |
| | CO | | | | | | |

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

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| | CP | |
| | CR | |
| | CS | |
| | CT | |

EXAMINER DATE CONSIDERED

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S.N. 09/642625 File No. 81924.0001 Date Mailed 4-3-02 By: Wthlrm
Title Computer Immune System and Method for Detecting...
(Client Name) VCDs, Inc.
The Following due _____ in the U.S. Patent and Trademark office was received in the Patent
& Trademark Office on the date stamped hereon:

____ Amendment
____ Preliminary Amendment
____ PCT Application Including
____ Pages Spec. _____ Page Abstract _____ Claims
____ Application for Patent Including
____ Pages Spec. _____ Page Abstract _____ Claims
____ Declaration, Affidavit of Oath (_____ Page(s))
____ Assign. Ck No. _____ for \$ **RECEIVED**
____ Verified Statement
____ Letter of Transmittal
____ Amendment Under 37 C.F.R.1.312 (a)
____ Check No. _____ for \$
____ Check No. _____ for \$
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Drawing: # of Sheets _____
____ Formal _____ Informal
____ Issue Fee Transmittal
____ Letter Re
____ Notice of Appeal
____ Petition for APR 12 2002
____ Advance soft copy order
____ Ck. No. _____
____ IDS: 4 References
____ Certified Copy# of docs
____ Priority
____ Form PTD-1449
DOCKETING
APR 18 2002
U.S. PATENT & TRADEMARK OFFICE

COPY

COPYPATENT
81924.0001**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Peter A.J. van der Made

Serial No: 09/642,625

Filed: August 18, 2000

For: **COMPUTER IMMUNE SYSTEM
AND METHOD FOR DETECTING
UNWANTED CODE IN A
COMPUTER SYSTEM**

Art Unit: 2122

Examiner: Not Assigned

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
Washington D.C. 20231, on

April 3, 2002

Date of Deposit

William M. Wright, Reg. No. 36,312

Name

Signature

4/3/02

Date

**TRANSMITTAL OF INFORMATION
DISCLOSURE STATEMENT**Commissioner for Patents
Washington, D.C. 20231

Dear Sirs:

1. ☒ The information disclosure statement submitted herewith is being filed within three months of the filing date of the application other than a continued prosecution application, or within three months of the date of entry into the national stage of an international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114, whichever event occurs last. 37 C.F.R. §1.97(b).
2. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(b), but *before* the mailing date of a final action under §1.113, or a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, whichever occurs first. A statement specified in §1.97(e) or a fee set forth in §1.17(p) is included. 37 C.F.R. §1.97(c).

§1.97(e) STATEMENT

I, the person signing below, state:

- ☐ that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the

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COPY**PATENT**
81924.0001

information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

OR FEE

- ☐ Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00). [OR:] Please charge the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00) to Deposit Account No. 50-1814. A copy of this petition is enclosed.

3. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(c), but before, or simultaneously with the payment of the issue fee. A statement specified in §1.97(e) and a fee set forth in §1.17(p) are included. 37 C.F.R. §1.97(d).

§1.97(e) STATEMENT

I, the person signing below, state:

- ☐ that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

AND FEE

- ☐ Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(d). (\$180.00).
4. ☒ If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-1814. A copy of this petition is enclosed.
5. ☒ A list of 4 reference(s) is in the enclosed Form PTO-1449.

COPY

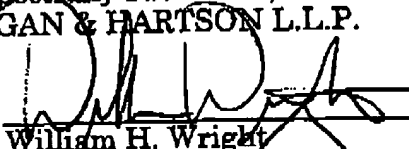
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PATENT
81924.0001

NON-ENGLISH LANGUAGE REFERENCES

- ☐ Enclosed is a search report for a counterpart application. The search report Examiner has provided comments on the relevancy of any non-English language references cited in the search report.
- ☐ The specification incorporates comments on the relevancy of Non-English language references.
- ☐ Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language references:

Respectfully submitted,
HOGAN & HARTSON L.L.P.

By: 
William H. Wright
Registration No. 36,312
Attorney for Applicant(s)

Date: April 3, 2002

Biltmore Tower
500 South Grand Avenue, Suite 1900
Los Angeles, CA 90071
Telephone: (213) 337-6700
Facsimile: (213) 337-6701

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| | | |
|--|---|---|
| FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i> | Docket Number (Optional) 81924.0001 | Application Number 09/642,625 |
| | Applicant Peter A.J. van der Made | |
| | Filing Date August 18, 2000 | Group Art Unit 2122 |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|-----------------|----------|------------|-------|----------|-------------------------------|
| | 5,854,916 | 12-29-98 | Nachenberg | | | |
| | 6,067,410 | 05-23-00 | Nachenberg | | | |
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FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
|--|---|----------|---------|-------|----------|-------------|----|
| | | | | | | YES | NO |
| | International Search Report for PCT/US01/26804 | 03-06-02 | PCT | | | | |
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

| | |
|--|--|
| | Andrew P. Kosoresow, et al., "Intrusion Detection Via System Call Traces," IEEE Software, pp. 35-42, September/October 1997. |
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|--|---|
| S.N. <u>09/642,625</u> File No. <u>8/924,004</u> Date Mailed <u>3-22-02</u> By <u>10th/15</u> | |
| Title <u>Computer Immune System and Method for Detecting</u> | |
| (Client Name) <u>V.C.I.S., Inc.</u> | |
| The Following due <u>in the U.S. Patent and Trademark office</u> was received in the Patent & Trademark Office on the date stamped hereon: | |
| <input type="checkbox"/> Amendment | Drawing: # of Sheets <u> </u> |
| <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Formal <input type="checkbox"/> Informal |
| <input type="checkbox"/> PCT Application Including | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Pages Spec. <input type="checkbox"/> Page Abstract <input type="checkbox"/> Claims | <input type="checkbox"/> Letter Re. <u> </u> |
| <input type="checkbox"/> Application for Patent Including | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Pages Spec. <input type="checkbox"/> Page Abstract <input type="checkbox"/> Claims | <input type="checkbox"/> Petition for <u> </u> |
| <input type="checkbox"/> Declaration, Affidavit of Oath (<u> </u> Page(s)) | <input type="checkbox"/> Advance soft copy order |
| <input type="checkbox"/> Assign. Ck No. <u> </u> for \$ <u> </u> | <input type="checkbox"/> Ck. No. <u> </u> For \$ <u> </u> |
| <input type="checkbox"/> Verified Statement | <input checked="" type="checkbox"/> IDS <u>4</u> References |
| <input type="checkbox"/> Letter of Transmittal | <input type="checkbox"/> Certified Copy# of docs |
| <input type="checkbox"/> Amendment Under 37 C.F.R.1.312 (a) | <input type="checkbox"/> Priority |
| <input type="checkbox"/> Check No. <u> </u> for \$ <u> </u> | <input checked="" type="checkbox"/> <u>Exem PRD-1449</u> |
| <input type="checkbox"/> Check No. <u> </u> for \$ <u> </u> | <u> </u> |
| <input type="checkbox"/> Check No. <u> </u> for \$ <u> </u> | <u> </u> |

COPY

COPY**PATENT**
81924.0001**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Peter A.J. van der Made

Serial No: 09/642,625

Filed: August 18, 2000

For: **COMPUTER IMMUNE SYSTEM
AND METHOD FOR DETECTING
UNWANTED CODE IN A
COMPUTER SYSTEM**

Art Unit: 2122

Examiner: Not Assigned

I hereby certify that this correspondence
is being deposited with the United States
Postal Service with sufficient postage as
first class mail in an envelope addressed
to:Commissioner for Patents
Washington D.C. 20231, on

March 22, 2002

Date of Deposit

William H. Wright Reg. No. 36,312

Name

Signature

3/22/02

Date

**TRANSMITTAL OF INFORMATION
DISCLOSURE STATEMENT**Commissioner for Patents
Washington, D.C. 20231

Dear Sirs:

1. ☒ The information disclosure statement submitted herewith is being filed within three months of the filing date of the application other than a continued prosecution application, or within three months of the date of entry into the national stage of an international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114, whichever event occurs last. 37 C.F.R. §1.97(b).
2. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(b), but *before* the mailing date of a final action under §1.113, or a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, whichever occurs first. A statement specified in §1.97(e) or a fee set forth in §1.17(p) is included. 37 C.F.R. §1.97(c).

§1.97(e) STATEMENT

I, the person signing below, state:

- ☐ that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the

COPY

COPY**PATENT
81924.0001**

information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

OR FEE

- ☐ Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00). [OR:] Please charge the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00) to Deposit Account No. 50-1314. A copy of this petition is enclosed.

3. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(c), but before, or simultaneously with the payment of the issue fee. A statement specified in §1.97(e) and a fee set forth in §1.17(p) are included. 37 C.F.R. §1.97(d).

§1.97(e) STATEMENT

I, the person signing below, state:

- ☐ that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

AND FEE

- ☐ Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(d). (\$180.00).

4. ☒ If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-1314. A copy of this petition is enclosed.

5. ☒ A list of 4 reference(s) is in the enclosed Form PTO-1449.

COPY

PATENT
81924.0001

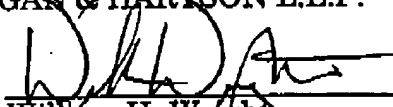
NON-ENGLISH LANGUAGE REFERENCES

- ☐ Enclosed is a search report for a counterpart application. The search report Examiner has provided comments on the relevancy of any non-English language references cited in the search report.
- ☐ The specification incorporates comments on the relevancy of Non-English language references.
- ☐ Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language references:

Date: March 22, 2002

Biltmore Tower
500 South Grand Avenue, Suite 1900
Los Angeles, CA 90071
Telephone: (213) 337-6700
Facsimile: (213) 337-6701

Respectfully submitted,
HOGAN & HARTSON L.L.P.

By: 
William H. Wright
Registration No. 36,312
Attorney for Applicant(s)

COPY

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FORM PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

Docket Number (Optional)
81924.0001Application Number
09/642,625

Applicant

Peter A.J. van der Made

Filing Date
August 18, 2000Group Art Unit
2122**U.S. PATENT DOCUMENTS**

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|-----------------|----------|------------------|-------|----------|-------------------------------|
| | 5,398,196 | 03-14-95 | Chambers | | | |
| | 5,842,002 | 11-24-98 | Schnurer, et al. | | | |
| | 6,275,938 | 08-14-01 | Bond, et al. | | | |
| | 6,357,008 | 3-12-02 | Nachenberg | | | |
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FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

COPY

S.N. 09/04/25 File No. 81924-0001 Date Mailed 7-24-01 By W.H.W./02
 Title Computer Immune System and Method for Detecting...
 (Client Name) VCIS, Inc.
 The Following due _____ in the U.S. Patent and Trademark office was received in the Patent
 & Trademark Office on the date stamped hereon:

| | |
|---|---|
| <input type="checkbox"/> Amendment | <input type="checkbox"/> Drawing: # of Sheets _____ |
| <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Formal <input type="checkbox"/> Informal |
| <input type="checkbox"/> PCT Application Including | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Pages Spec. _____ Page Abstract _____ | <input type="checkbox"/> Letter Re _____ |
| <input type="checkbox"/> Application for Patent Including | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Pages Spec. _____ Page Abstract _____ | <input type="checkbox"/> Petition for _____ |
| <input type="checkbox"/> Declaration, Affidavit of Oath (_____ Page(s)) | <input type="checkbox"/> Advance soft copy order |
| <input type="checkbox"/> Assign. Ck No. _____ for \$ _____ | <input type="checkbox"/> Ck. No. _____ For \$ _____ |
| <input type="checkbox"/> Verified Statement | <input checked="" type="checkbox"/> IDS: <u>1</u> References |
| <input type="checkbox"/> Letter of Transmittal | <input type="checkbox"/> Certified Copy# of docs _____ |
| <input type="checkbox"/> Amendment Under 37 C.F.R. 1.312 (a) | <input type="checkbox"/> Priority _____ |
| <input type="checkbox"/> Check No. _____ for \$ _____ | <input checked="" type="checkbox"/> Form <u>PTO-1449</u> |
| <input type="checkbox"/> Check No. _____ for \$ _____ | |
| <input type="checkbox"/> Check No. _____ for \$ _____ | |

COPY

COPY**PATENT**
81924.0001**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Peter A.J. van der Made

Serial No: 09/642,625

Filed: August 18, 2000

For: **COMPUTER IMMUNE SYSTEM AND
METHOD FOR DETECTING UNWANTED
CODE IN A COMPUTER SYSTEM**

Art Unit: 2122

Examiner: Not Assigned

**TRANSMITTAL OF SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**Commissioner for Patents
Washington, D.C. 20231I hereby certify that this
correspondence is being deposited with
the United States Postal Service with
sufficient postage as first class mail in
an envelope addressed to:
Commissioner for Patents
Washington D.C. 20231 on

July 26, 2001

Date of Deposit

William H. Wright, Reg. No. 36,312

Name

Signature

7/26/01

Date

Dear Sirs:

1. ☒ The information disclosure statement submitted herewith is being filed within three months of the filing date of the application other than a continued prosecution application, or within three months of the date of entry into the national stage of an international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114, whichever event occurs last. 37 C.F.R. §1.97(b).
2. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(b), but *before* the mailing date of a final action under §1.113, or a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, whichever occurs first. A statement specified in §1.97(e) or a fee set forth in §1.17(p) is included. 37 C.F.R. §1.97(c).

§1.97(e) STATEMENT

I, the person signing below, state:

- ☐ that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart

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81924.0001

foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

OR FEE

- ☐ Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00).

3. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(c), but before, or simultaneously with the payment of the issue fee. A statement specified in §1.97(e) and a fee set forth in §1.17(p) are included. 37 C.F.R. §1.97(d).

§1.97(e) STATEMENT

I, the person signing below, state:

- ☐ that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

AND FEE

- ☐ Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(d). (\$180.00).

4. ☒ If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-1314. A copy of this petition is enclosed.
5. ☒ A list of 1 reference(s) is in the enclosed Form PTO-1449.

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81924.0001

NON-ENGLISH LANGUAGE REFERENCES

- ☐ Enclosed is a search report for a counterpart application. The search report Examiner has provided comments on the relevancy of any non-English language references cited in the search report.
- ☐ The specification incorporates comments on the relevancy of Non-English language references.
- ☐ Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language references:

Date: July 26, 2001

Biltmore Tower
500 South Grand Avenue, Suite 1900
Los Angeles, CA 90071
Telephone: (213) 337-6700
Facsimile: (213) 337-6701

Respectfully submitted,
HOGAN & HARTSON L.L.P.

By: 

William H. Wright
Registration No. 36,312
Attorney for Applicant(s)

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|--|---|---|
| FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i> | Docket Number (Optional) 81924.0001 | Application Number 09/642,625 |
| | Applicant Peter A.J. van der Made | |
| | Filing Date August 18, 2000 | Group Art Unit 2122 |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|-----------------|------|------|-------|----------|-------------------------------|
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FOREIGN PATENT DOCUMENTS

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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| | Carey Stover Nachenberg, "A New Technique for Detecting Polymorphic Computer Viruses," A thesis submitted in partial satisfaction of the requirements for the degree Master of Science in Computer Science, University of California Los Angeles, pp. I-127, 1995. |
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|---|------------------------|
| EXAMINER | DATE CONSIDERED |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance. Include copy of this form with next communication to the applicant. | |

COPY

S.N. 091642625 File No. 819240001 Date Mailed 6-27-01 By: W2Hulsm
Title Computer Immune System and Method For
(Client Name) V.C.I.S., Inc.
The Following due _____ in the U.S. Patent and Trademark office was received in the Patent
& Trademark Office on the date stamped **RECEIVED**
JUL 16 2001
DOCKETING
JUL 02 2001
U.S. PATENT & TRADEMARK OFFICE
☐ Amendment
☐ Preliminary Amendment
☐ PCT Application Including
☐ Pages Spec. ☐ Page Abstract
☐ Application for Patent Including
☐ Pages Spec. ☐ Page Abstract ☐ Claims
☐ Declaration, Affidavit of Oath (☐)
☐ Assign. Ck No. _____ for \$ _____
☐ Verified Statement
☐ Letter of Transmittal
☐ Amendment Under 37 C.F.R. 1.312 (a)
☐ Check No. _____ for \$ _____
☐ Check No. _____ for \$ _____
☐ Check No. _____ for \$ _____
Drawing: # of Sheets _____
☐ Formal ☐ Informal
☐ Issue Fee Transmittal
☐ Letter Re
☐ Notice of Appeal
☐ Petition for
☐ Advance soft copy order
☐ Ck. No. _____ For \$ _____
☒ IDS ☐ References
☐ Certified Copy# of docs
☐ Priority
☒ FORM PTD-1449

COPY

COPY**PATENT**
81924.0001**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Peter A.J. van der Made

Serial No.: 09/642,625

Filed: August 18, 2000

For: **COMPUTER IMMUNE SYSTEM AND
METHOD FOR DETECTING UNWANTED
CODE IN A COMPUTER SYSTEM**

Art Unit: 2122

Examiner: Not Assigned

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents
Washington D.C. 20231, on

June 27, 2001

Date of Deposit

William H. Wright, Reg. No. 36,312

Name

Signature

6/27/01

Date

**TRANSMITTAL OF INFORMATION
DISCLOSURE STATEMENT**Commissioner for Patents
Washington, D.C. 20231

Dear Sirs:

1. ☒ The information disclosure statement submitted herewith is being filed within three months of the filing date of the application other than a continued prosecution application, or within three months of the date of entry into the national stage of an international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114, whichever event occurs last. 37 C.F.R. §1.97(b).
2. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(b), but *before* the mailing date of a final action under §1.113, or a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, whichever occurs first. A statement specified in §1.97(e) or a fee set forth in §1.17(p) is included. 37 C.F.R. §1.97(c).

§1.97(e) STATEMENT

I, the person signing below, state:

- ☐ that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart

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**PATENT
81924.0001**

NON-ENGLISH LANGUAGE REFERENCES

- ☐ Enclosed is a search report for a counterpart application. The search report Examiner has provided comments on the relevancy of any non-English language references cited in the search report.
- ☐ The specification incorporates comments on the relevancy of Non-English language references.
- ☐ Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language references:

Date: June 27, 2001

Biltmore Tower
500 South Grand Avenue, Suite 1900
Los Angeles, CA 90071
Telephone: (213) 387-6700
Facsimile: (213) 387-6701

Respectfully submitted,
HOGAN & HARTSON L.L.P.

By: 

William H. Wright
Registration No. 36,312
Attorney for Applicant(s)

COPY

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FORM PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

Docket Number (Optional)
81924.0001Application Number
09/642,625Applicant
Peter A.J. van der MadeFiling Date
August 18, 2000Group Art Unit
2122**U.S. PATENT DOCUMENTS**

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|-----------------|----------|------------------------|-------|----------|-------------------------------|
| | 4,400,789 | 08-23-83 | Kaneda, et al. | | | |
| | 5,440,723 | 08-08-95 | Arnold, et al. | | | |
| | 5,774,727 | 06-30-98 | Walsh, et al. | | | |
| | 5,872,978 | 02-16-99 | Hoskins | | | |
| | 6,092,194 | 07-18-00 | Touboul | | | |
| | 6,118,940 | 09-12-00 | Alexander, III, et al. | | | |
| | 6,154,844 | 11-28-00 | Touboul, et al. | | | |
| | 6,167,520 | 12-26-00 | Touboul | | | |
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FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
|--|-----------------|----------|---------|-------|----------|-------------|----|
| | | | | | | YES | NO |
| | WO 99/15986 | 04-01-99 | PCT | | | | |
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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| | Frans Veldman, "Heuristic Anti-Virus Technology," Proceedings, 3 rd International Virus Bulletin Conference, pp. 67-76, September 1993. |
| | Symantec, "Understanding Heuristics: Symantec's Bloodhound Technology, Symantec White Paper Series, Vol. XXXIV, pp. 1-14, September 1997. |
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COPY

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

COPY

S.N. Not Assigned File No. 81924-0001 Date Mailed 8/18/00 By: W. H. H. H.
 Title Computer Immune System And Method For Detecting...
 (Client Name) ICIS, Inc.

The Following due _____ in the U.S. Patent and Trademark office was received in the Patent
 & Trademark Office on the date stamped hereon: PTO

Amendment 09/642625
 Preliminary Amendment
 PCT Application Including 08/18/00
 Pages Spec. _____ Page Abstract _____ Claims
 Application for Patent Including
 34 Pages Spec. 1 Page Abstract 17 Claims
 Declaration Affidavit of Oath (1 Page(s))
 Assign. Ck No. 10513 for \$ 40.00
 Verified Statement
 Letter of Transmittal (2)
 Amendment Under 37 C.F.R. 1.312 (a)
 Check No. 10515 for \$ 345.00
 Check No. _____ for \$ _____
 Check No. _____ for \$ _____
 Express Mail Label No.: EJ1 94573544US

Drawing: # of Sheets 6
 Formal X Informal
 Issue Fee Transmittal
 Letter Re
 Notice of Appeal
 Petition for
 Advance soft copy order
 Ck. No. _____ For \$ _____
 IDS References
 Certified Copy# of docs
 Priority
 Certificate of Express Mail
 Form PTO 1449

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PATENT
81924.0001

Express Mail Label No.: EJ194573541US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter A.J. van der Made

Serial No: Not Assigned

Filed: Herewith

For: COMPUTER IMMUNE SYSTEM
AND METHOD FOR DETECTING
UNWANTED CODE IN A
COMPUTER SYSTEM

Art Unit: Not Assigned

Examiner: Not Assigned

**TRANSMITTAL OF INFORMATION DISCLOSURE
STATEMENT**

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The information disclosure statement submitted herewith is being filed concurrently with the subject application [37 C.F.R. § 1.97(b)] and contains no items of information cited in any communication from a foreign patent office in a counterpart foreign application [37 C.F.R. § 1.97(e)(1)].

Respectfully submitted,

HOGAN & HARTSON, L.P.

By: 

William H. Wright

Registration No 36,312

Attorney for Applicant(s)

Date: August 18, 2000

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Telephone: 213-337-6700
Facsimile: 213-337-6701

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